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Health And Welfare Trust Fund for Northern California, et al.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA, et al.,

Plaintiffs,

v.

SCAFANI ENGINEERING & CONSTRUCTION,
INC., a California Corporation; and THOMAS JAMES
SCAFANI, an individual,

Defendants.

Case No.: 4:19-cv-07548-HSG

**JOINT REQUEST TO CONTINUE
CASE MANAGEMENT
CONFERENCE; ORDER THEREON**

Date: February 25, 2020

Time: 2:00 p.m.

Ctrm: 2, 4th Floor,
1301 Clay Street
Oakland, California

Judge: Hon. Haywood S. Gilliam, Jr.

The Parties to this action respectfully request that the Case Management Conference, currently on calendar for February 25, 2020, be continued for approximately sixty (60) to ninety (90) days. Good cause exists for the granting of the continuance, as follows:

1. This action was filed on November 18, 2019 (Dkt. #1) arising out of Defendants Scafani Engineering & Construction, Inc. and Thomas James Scafani's failure to comply with Plaintiffs' request for a payroll audit for the period from January 1, 2013 through December 31, 2017.

2. Defendants filed their Answer to the Complaint on December 23, 2019 (Dkt. #13).

3. The Parties had their initial meet and confer telephone conferences pursuant to Federal Rules of Civil Procedure, Rule 26(f) and ADR Local Rule 3-5. Defendants contend that they did not receive the audit requests prior to the commencement of the lawsuit, and are now complying. It is

1 understood that the requested audit will be conducted on February 21, 2020.

2 4. There are no issues that need to be addressed by the parties at the currently scheduled
3 Case Management Conference. In the interest of conserving costs as well as the Court's time and
4 resources, the parties jointly request that the Court continue the Case Management Conference set for
5 February 25, 2020 for approximately sixty (60) to ninety (90) days to permit sufficient time for the audit
6 to be conducted and finalized, and for the parties to attempt to resolve their disputes.

7 Respectfully submitted,

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9 DATED: February 17, 2020

SALTZMAN & JOHNSON LAW CORPORATION

10 By: /s/ Tino X. Do

11 Tino X. Do
12 Attorneys for Plaintiffs

13 DATED: February 17, 2020

SIMPSON, GARRITY, INNES & JACUZZI

14 By: /s/ Paul V. Simpson

15 Paul V. Simpson
16 Attorneys for Defendants

17 IT IS SO ORDERED.

18 The currently set Case Management Conference is hereby continued to
19 April 28, 2020 at 2:00 p.m., and all previously set deadlines and dates related to this case are
20 continued accordingly.
21

22 DATED: 2/18/2020

23 
24 U.S. DISTRICT COURT JUDGE
25 HAYWOOD S. GILLIAM JR.
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